

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ISAAC MONTANO,

Petitioner,

vs.

No. CIV-12-442 JP/ACT

TIMOTHY HATCH, Warden,  
and GARY K. KING,  
New Mexico Attorney General,

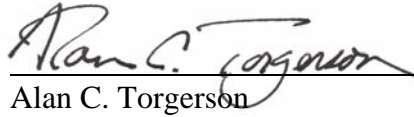
Respondents.

**ORDER**

This matter comes before the Court on Petitioner Isaac Montano's Motion for Appointment of Counsel [Doc. 7] and his Second Motion to Appoint Counsel [11] .

Factors the Court weighs when considering a motion for appointment of counsel include “the merits of the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims.” *Rucks v. Boergermann*, 57 F.3d 978, 979 (10<sup>th</sup> Cir. 1995)(*quoting Williams v. Meese*, 926 F.2d 994, 996 (10<sup>th</sup> Cir. 1991)). The Court does not find that the claims in this case raise complex legal issues. The Court routinely resolves such claims under 28 U.S.C. § 2254. The Court also finds that Montano has adequately presented and addressed the issues he is raising in his petition for writ of habeas corpus [Doc.1] and his memorandum in support [Doc. 2].

**IT IS THEREFORE ORDERED** Montano's Motion for Appointment of Counsel [Doc. 7] and his Second Motion to Appoint Counsel [11] are DENIED.

A handwritten signature in black ink, reading "Alan C. Torgerson", is positioned above a horizontal line.

Alan C. Torgerson  
United States Magistrate Judge